

**United States District Court  
For The  
District of North Dakota**

**Petition for Action on Conditions of Pretrial Release**

United States of America	)	
	)	
vs.	)	Docket No.: 0868 1:22CR00134-3
	)	
Montessa Joy Packineau	)	

COMES NOW, Stephanie Cherney, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Montessa Joy Packineau who was placed under pretrial release supervision by the Honorable Clare R. Hochhalter, Magistrate Judge, sitting in the Court at Bismarck, on February 23, 2023, under the following conditions:

1. The defendant must not violate federal, state, tribal, or local law while on release.
2. The defendant must advise the Office of Probation and Pretrial Services and defense counsel in writing before making any change in address or telephone number.
3. The defendant must appear in court as required and must surrender to serve any sentence imposed.
4. The defendant must sign an Appearance Bond, if ordered.

IT WAS FURTHER ORDERED that the release of the defendant be subject to the conditions set forth below:

5. Defendant shall refrain from: any use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test result.
6. Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
7. Defendant shall undergo a substance abuse and/or mental health evaluation if required by the Pretrial Services Officer and comply with resulting counseling or treatment

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recommendations.

8. Defendant shall submit person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
9. Defendant shall not knowingly or intentionally have any direct or indirect contact with co-defendants, except that counsel for the defendant, or counsel's agent or authorized representative, may have such contact with such person(s) as is necessary in the furtherance of the defendant's legal defense.
10. Defendant shall reside at Prairie Recovery Center in Raleigh, ND and shall participate in the facility's program and abide by its rules and regulations. Defendant shall not change this address without prior approval of the Pretrial Services Officer and shall approve any plan to transition from successful completion of treatment with the Pretrial Services Office.
11. If Defendant is terminated from treatment for any reason, she must immediately report to the U.S. Marshals Service.
12. Except upon prior approval from the Pretrial Services Officer, Defendant's travel is restricted to North Dakota.
13. Defendant shall be released at 9:00 AM on February 23, 2023, for transport to Prairie Recovery Center by the MHA Recovery Team.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

- 1) **Violation of Condition #5: Defendant shall refrain from: any use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test result.** The defendant has tested positive for fentanyl on two sweat patches on April 17, 2023, and June 9, 2023, both of which were confirmed positive by the laboratory.

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2) **Violation of Condition #5: Defendant shall refrain from: any use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test result.** The defendant has tested positive for fentanyl on June 30, 2023, and July 27, 2023, both of which were confirmed positive by the laboratory.

PRAYING THAT THE COURT WILL ORDER: It is respectfully requested that the court order a warrant for the arrest of Montessa Packineau and hearings be held to determine if she violated the conditions of her pretrial release.


I declare under penalty of perjury that the foregoing is true and correct.

Respectfully,

/s/ Rachel Wallock 08/09/2023  
U.S. Pretrial Services Officer  
Place: Fargo

### ORDER OF THE COURT

Considered and ordered this 9<sup>th</sup> day of August, 2023, and ordered filed and made a part of the record in the above case.

  
Clare R. Hochhalter  
U.S. Magistrate Judge